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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,292	06/15/2001	Laura T. Putnam	2709/113	6870
2101 7590 07/30/2010 Sunstein Kann Murphy & Timbers LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EXAMINER BOYCE, ANDRE D	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 07/30/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS  
5 AND INTERFERENCES  
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8 *Ex parte* LAURA T. PUTNAM, EILEEN C. SHAPIRO,  
9 and STEVEN J. MINTZ  
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12 Appeal 2009-001096  
13 Application 09/882,292  
14 Technology Center 3600  
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19 *Before:* MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and BIBHU  
20 R. MOHANTY, *Administrative Patent Judges.*

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22 CRAWFORD, *Administrative Patent Judge.*  
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25 DECISION ON REQUEST FOR REHEARING<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appellants filed a Request for Reconsideration (hereinafter “Request”) dated May 14, 2010 contending that the Board, in the Decision on Request for Rehearing on Appeal dated March 16, 2010 (hereinafter “Decision”) misapprehended the type of correlation used by Salmon vis-à-vis the type of correlation required by the subject matter claimed therein. (Request 1).

In our Decision on Request for Rehearing, we modified our earlier Decision dated August 27, 2009 by entering a new rejection of independent claims 3, 80, and 88 as being unpatentable under 35 U.S.C. § 103(a) (2002) in view of Salmon.

The Appellants argue in this Request that Salmon matches on people but does not identify second industries as required by claims 3, 80, and 88. (Request 2). We do not agree. As we previously stated, all that independent claims 3, 80, and 88 recite is correlating potentially transferable job functions for two industries. (Decision 3-4). By setting the weights of industry and experience in Salmon, the user is implicitly stating how much a particular job function is transferable across industries. This correlation is done in the Buyer’s profile and, as such, is not merely matching people, but rather establishing for a job function in a first industry a match to that same job function in a plurality of second industries. As such, the Salmon method does correlate for a job function in a first industry with a set of second industries to which the job function is capable of being potentially transferable.

1 In view of the foregoing, the Appellants' Request for Rehearing is  
2 denied.

3 No time period for taking any subsequent action in connection with  
4 this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R.  
5 § 1.136(a)(1)(iv) (2007).

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7 DENIED

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19 125 SUMMER STREET  
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